IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

WA. No. 1097 of 2007

AGAINST THE JUDGEMENT IN WPC.23029/2005 Dated 22/08/2005
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APPELLANT: PETITIONER

V.V.ANTONY,
STAFF NURSE GRADE-I,
T.H.Q. HOSPITAL, KASARAGODE.

BY ADV. SMT.C.G.PREETHA
SMT.P.RANI DIOTHIMA

RESPONDENTS: RESPONDENTS
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1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
HEALTH AND FAMILY WELFARE DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF HEALTH SERVICE,
THIRUVANANTHAPURAM.

BY GOVT PLEADER SRI K. SANDESH RAJ

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD
ON 23/05/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.S. RADHAKRISHNAN & ANTONY DOMINIC, JJ.

Writ Appeal No 1097 of 2007
& C.M. Appln. No 480 of 2007

Dated: 23rd May 2007

JUDGMENT

Radhakrishnan, J.

There is a delay of 491 days in filing the appeal. We have perused the affidavit filed in support of the application. Sufficient ground has not been made out to condone the delay.

2. We notice that the petitioner had challenged Ext. P6 order dated 29.01.2004 by which he was reverted from the post of Head Nurse to that of Staff Nurse. The order refers to Ext. P11 order dated 1.10.2003. The reason for the issuance of Ext. P6 is stated in Ext. P11, which reads as follows:

> "A final gradation list of Staff Nurse for the period from 1.1.78 to 6.7.90 was published as per order referred. Sri V.V. Antony, Staff Nurse, Taluk Head Quarters Hospital, Kasargod has been assigned rank 1158 due to erroneous entry of data. On verification of the details it is observed that the incumbent is entitled to be assigned rank only w.e.f. 22.6.2000 as he had secured inter district transfer from Ernakulam to Kasargod on that date."

Learned counsel could not establish that the reason stated in Ext. P11 is bad warranting interference by this court under Article 226 of the Constitution of India. Further, the order was passed as early as on 1.10.2003. Learned single judge has rightly dismissed the writ petition. We find no merit in the writ appeal. The petition for condonation of delay is dismissed. Consequently the writ appeal also would stand dismissed.

Sd/-
K.S. RADHAKRISHNAN
Judge

Sd/-
ANTONY DOMINIC
Judge

23/05/2007
en/

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